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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

MICHAEL PRINCE
PLAINTIFF
VS.

CAUSE NUMBER: 4:13cv165-SA-JMV

WASHINGTON COUNTY, MISSISSIPPI
SHERIFF MILTON GASTON, in his Official
Capacity, LIEUTENANT MACK WHITE,
in his individual and official capacity,
DEPUTY MARVIN MARSHALL,
in his individual and official capacity, and
JOHN DOES 1-10

DEFENDANTS

DEPOSITION OF DEPUTY MARVIN MARSHALL

Taken at the law offices of Campbell DeLong,
923 Washington Avenue,
Greenville, Mississippi,
on Thursday, March 20th, 2014,
beginning at approximately 4:01 p.m.

REPORTED BY:

DEBRA A. WILLIAMS, CCR, #1748
CERTIFIED COURT REPORTER
NOTARY PUBLIC

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EXHIBITS

(EXHIBITS 1 THROUGH 10 WERE MARKED IN PREVIOUS
DEPOSITIONS.)

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APPEARANCES

For the Plaintiff:

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For the Defendants:

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Also Present:

Rebecca Gramling

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STIPULATION

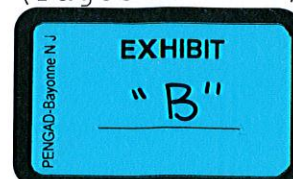
It is hereby stipulated and agreed by
and between the parties hereto, through their
respective attorneys of record, that this
deposition may be taken at the time and place
hereinbefore set forth, by DEBRA WILLIAMS, Court
Reporter and Notary Public, pursuant to the
Rules;

That the formality of reading and
signing is specifically NOT WAIVED;

That all objections, except as to the
form of the questions and the responsiveness of
the answers, are reserved until such time as
the deposition, or any part thereof, may be
used or sought to be used in evidence.

* * *

1 (Pages 1 to 4)



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1 DEPUTY MARVIN MARSHALL
 2 having been first duly sworn,
 3 was examined and testified as follows,
 4 EXAMINATION
 5 BY MR. HALL:
 6 Q Could you state your full name,
 7 please?
 8 A Marvin Gaye Marshall.
 9 Q Okay. And where are you employed?
 10 A Washington County Sheriff's
 11 Department.
 12 Q Okay.
 13 MR. HALL: This deposition is being
 14 taken pursuant to notice.
 15 And if I could, let's just go ahead
 16 and mark this as the next exhibit. This
 17 will be the deposition notice.
 18 (EXHIBIT 11 MARKED FOR THE RECORD.)
 19 BY MR. HALL:
 20 Q Deputy Marshall, you are currently
 21 employed by the Washington County Sheriff's
 22 Department?
 23 A That's correct.
 24 Q Were you so employed back in March
 25 2012?

Page 6

1 A I was.
 2 Q All right. Have you ever given a
 3 deposition before?
 4 A I have.
 5 Q On what occasion?
 6 A Some family issues.
 7 Q Okay. You ever been involved in a
 8 lawsuit before?
 9 A I have.
 10 Q Okay. For what?
 11 A The same, family issues.
 12 Q Would this be civil court?
 13 A Civil.
 14 Q All right. What's your current
 15 address?
 16 A [REDACTED]
 17 [REDACTED]
 18 Q All right. Just a couple of little
 19 housekeeping matters. You have the right to
 20 read and sign your deposition when we're
 21 finished, or you can waive that right. Would
 22 you like to read and sign your deposition? You
 23 can ask your attorney.
 24 MR. PHILLIPS: Yeah.
 25 THE WITNESS: Yes.

Page 7

1 BY MR. HALL:
 2 Q Okay. Now, you've been placed under
 3 oath. The court reporter is taking down
 4 everything that we're saying. If I ask a
 5 question and you don't understand it, please
 6 let me know, and I'll try to do a better job of
 7 it. If you do give an answer, then I'm going
 8 to accept that as your answer and move on.
 9 Okay? Fair enough?
 10 A Fair.
 11 Q If you need a break or anything or you
 12 want to stop, need to ask your attorney any
 13 questions, feel free to do that. Okay?
 14 A Okay.
 15 Q Just let us know. We'll try to get
 16 through this fairly quickly.
 17 How long have you been with Washington
 18 County Sheriff's Department?
 19 A October of 2010.
 20 Q Okay. Where did you work before that?
 21 A Leland Manufacturing, formally
 22 La-Z-Boy, Leland [REDACTED].
 23 Q And how long did you work there?
 24 A Sixteen years.
 25 Q Sixteen years?

Page 8

1 A Sixteen years.
 2 Q Have you had any officer training
 3 prior to becoming a Washington County deputy
 4 sheriff?
 5 A I did. I worked some corrections in
 6 Arkansas. Well, I went through a training
 7 program in Arkansas for corrections.
 8 Q When was that?
 9 A That was in January of 2010.
 10 Q Were you working for Arkansas
 11 Corrections in January 2010?
 12 A I was in school.
 13 Q Well, tell me how that worked.
 14 A Well, they have a school program.
 15 Once you finish the school program, then you go
 16 into the field. But in my situation, I was in
 17 the school. And when the school finished, I
 18 went straight into the police academy.
 19 Q Okay. All right. So let me track it
 20 with you. Leland Manufacturing, you stopped
 21 working there and went to training at the
 22 Arkansas Correctional deal.
 23 A Right.
 24 Q And then after that, you went straight
 25 to the police training academy?

2 (Pages 5 to 8)

Page 9

1 A Correct.
 2 Q And right after police training, you
 3 came here to work for Washington County?
 4 A Well, three months later.
 5 Q Okay. That was your first law
 6 enforcement job was with Washington County?
 7 A Yeah, first law enforcement.
 8 Q Okay. Well, beyond Leland
 9 Manufacturing for 16 years, did you work any
 10 law enforcement prior to that?
 11 A If you want to consider the military
 12 service, I had law enforcement. Because there
 13 was some training in that that was similar to
 14 what we do.
 15 Q Okay. But as far as local, city,
 16 state, municipal governments, you've never
 17 worked as a police or law enforcement officer
 18 prior to coming on here, right? Here, I mean
 19 Washington County.
 20 A No, prior to Washington County.
 21 Q All right. So in March of 2012, you
 22 had been a deputy about a year and a half?
 23 A Give or take, that's about correct.
 24 Q Okay, just ballpark. I mean, I'm
 25 not --

Page 11

1 Q Is that that domestic matter we were
 2 talking about earlier?
 3 A No.
 4 Q No. Okay. So you've been in a
 5 lawsuit with a divorce?
 6 A No.
 7 Q You just did a no fault kind of
 8 divorce?
 9 A Pretty much.
 10 Q Okay. How long have you lived in
 11 Washington County?
 12 A Well, I was born and raised in
 13 [REDACTED] but I moved out briefly.
 14 And I did some military time from '84 to '87.
 15 And '89 to '93 I lived in Illinois. And I've
 16 been back since '93.
 17 Q Okay. You have any relatives in
 18 Washington County?
 19 A Sure.
 20 Q Okay. Who?
 21 A A sister.
 22 Q What's her name?
 23 A Julist Marshall.
 24 Q Okay. Who else?
 25 A A son and a daughter.

Page 10

1 A Correct.
 2 Q Other than the training academy when
 3 you came on as a Washington County deputy, did
 4 you receive any training when you came here in
 5 addition to what you received at the training
 6 academy? Did Sheriff Gaston train you in any
 7 other way?
 8 A You know, I've had some classes since
 9 I've been here. I don't know the exact dates.
 10 Q What classes did you have?
 11 A I don't know exactly what the classes
 12 were. We had some at the airport. And I know
 13 I just recently finished a domestic violence
 14 class two months ago.
 15 Q Did you take any of those classes
 16 prior to March of 2012?
 17 A That's what I'm not sure of. The ones
 18 at the airport, I'm not sure.
 19 Q Okay. All right. Were you in any
 20 classes with Deputy White?
 21 A No.
 22 Q Okay. Are you currently married?
 23 A No.
 24 Q Divorced?
 25 A Yes.

Page 12

1 Q What are their names? Are they over
 2 18?
 3 A No.
 4 Q Okay. Then I don't need to know their
 5 names.
 6 A Okay.
 7 Q The reason for it is, at some point
 8 we're going to be picking a jury. Okay. I
 9 just need to know who your relatives are here
 10 so that one of them don't end up on the jury.
 11 So you said Juliet Marshall?
 12 A Julist, J-u-l-i-s-t.
 13 Q S-t. I did write an "S" down there.
 14 Anybody else?
 15 A We've got several cousins.
 16 Q Who would that be?
 17 A Jerry Hines, Mary Hines, Carolyn
 18 Hines. And they have siblings and they have
 19 offsprings. So I don't know all of them.
 20 Q All right.
 21 A I've got some cousins on my father
 22 side. I don't know all of them.
 23 Q What would their last names be?
 24 A It would be Marshalls.
 25 Q So Marshalls and Hines I need to ask

3 (Pages 9 to 12)

Page 13

1 specific questions if they get on my jury,
2 right?

3 A Okay.

4 Q All right. Anybody else?

5 A Not that I know of.

6 Q Okay. What's your day-to-day
7 involvement in law enforcement operations?

8 A Patrol, general patrol.

9 Q Okay. What's your current rank?

10 A Just patrol.

11 Q All right. And that's what you were
12 back in March of 2012?

13 A That's correct.

14 Q All right. When you came on as a
15 deputy, did you go to work for Sheriff Gaston?
16 Is that who had hired you?

17 A I did, yes.

18 Q Okay. And did you receive a copy of a
19 policy and procedure manual?

20 A I did.

21 Q Okay. And let me ask you to look at
22 Exhibit 6 and ask if that's the policy and
23 procedure manual that you received?

24 A Yes. It came in a big, large binder,
25 but this could be it. Yeah, this is some of

Page 15

1 that's on the front of Exhibit 6, right?

2 A It is.

3 Q Okay. All right. So those are the
4 policies and procedures that you've been
5 operating under the whole time you've been a
6 deputy sheriff here, right?

7 A (Nods head affirmatively.)

8 MR. PHILLIPS: You need to say yes or
9 no.

10 THE WITNESS: Yes. Yes.

11 BY MR. HALL:

12 Q Okay. Let's just move forward to late
13 evening of March the 16th, early morning March
14 17. Did you have an occasion to come into
15 contact with a gentleman named Michael Prince?

16 A I did.

17 Q Okay. Could you tell us what you
18 remember about your first contact with
19 Mr. Prince?

20 A My first contact with Mr. Prince was
21 when he was being brought out of the wooded
22 area.

23 Q Okay. Out of what wooded area?

24 A A wooded area that sits south of 2500
25 Old Leland Road in a trailer park.

Page 14

1 it. That could be it.

2 Q Well, look through there and let's
3 make sure that's --

4 A You know, I wouldn't know every page,
5 but --

6 Q Well, that's too bad. We're going to
7 ask you about every page.

8 MR. HALL: Let me get you to mark
9 this.

10 (EXHIBIT 12 MARKED FOR THE RECORD.)

11 THE WITNESS: Ask me about every page?

12 BY MR. HALL:

13 Q I'm not going to ask you about every
14 page.

15 A Oh, okay.

16 Q All right. I'm going to ask you to
17 look at Exhibit 12. See if you can tell me
18 what that is.

19 A Okay.

20 Q Would this have been a receipt you
21 signed for a copy of the policy and procedure
22 manual?

23 A It is.

24 Q And except for your signature and the
25 dates and all, that's identical to that receipt

Page 16

1 Q Would that be known as the Pearson
2 Park?

3 A Pearson Trailer Park, correct.

4 Q Is it Pierce or Pearson?

5 A Pearson.

6 Q Pearson. Okay. I wasn't clear on
7 that.

8 A Pearson Trailer Park.

9 Q Pearson Trailer Park?

10 A Yes.

11 Q Okay. And were you answering a call
12 at the Pearson Trailer Park?

13 A Yeah, that's why I was out there that
14 night.

15 Q Tell me about how that came about.

16 A Dispatch gave me a call at the Pearson
17 Trailer Park in reference to a disturbance.

18 Q Okay. Can you specifically remember
19 what type of disturbance that you were
20 responding to?

21 A I was just responding to a
22 disturbance.

23 Q Okay. Had you been out to Pearson
24 Trailer Park earlier that night?

25 A No.

4 (Pages 13 to 16)

Page 17

1 Q This was the first time you had been
2 out there?
3 A This was my first time out there.
4 Q Prior to this night, had you been out
5 there to Pearson Trailer Park to answer a
6 disturbance call?
7 A All the time.
8 Q All the time. This place had a
9 reputation for being --
10 A You know, just got a lot of high
11 volume of calls out there. And it wasn't just
12 disturbances. It was everything.
13 Q All right. You went out to this area
14 frequently. You were familiar with it?
15 A I was familiar with the area.
16 Q All right. When you got there, were
17 there any other deputies there?
18 A 12 met me there.
19 Q 12 deputies?
20 A Parson. No, Parson. A deputy named
21 Parson. His number is 12. He met me there.
22 Q All right.
23 A Not 12 deputies.
24 Q Well, I had to ask.
25 A All right. I'll make it plain.

Page 18

1 MR. PHILLIPS: I was going to clear
2 that up.
3 BY MR. HALL:
4 Q Okay. So Deputy Parson, who is --
5 A Deputy Parson.
6 Q -- Unit 12 or No. 12 met you there?
7 A Yes.
8 Q Okay. Was any other deputies there
9 when you arrived?
10 A No.
11 Q Okay. Was Parson there when you --
12 Deputy Parson. And I don't mean any
13 disrespect. I'm just communicating. Was
14 Parson there when you got there?
15 A I think I might have arrived first.
16 Q All right. When you got there, what's
17 the first thing you remember happening?
18 A I made contact with the complainant,
19 the person that made the initial call.
20 Q And who would that have been?
21 A Deshonda Talbert.
22 Q Okay. And what did you learn at that
23 point?
24 A She started to talking to me about
25 what was going on. I asked her did they, you

Page 19

1 know, call for a deputy and what's the problem?
2 She started to explain to me what's going on.
3 Q Okay. And what did you learn?
4 A Well, she started to explain to me
5 that she and her baby couldn't rest and her
6 family because someone was outside cursing
7 right by her window. And her husband -- she
8 told me her husband went out to tell the person
9 to stop with the cursing because they were
10 trying to sleep. And they got into a verbal
11 altercation.
12 Q And did you learn who that person was?
13 A Yeah. She identified him as Michael
14 Prince.
15 Q Okay. Any indication at that point
16 that there had been any type of physical
17 altercation?
18 A No.
19 Q Okay. It's not your understanding?
20 A It's not my understanding.
21 Q Okay. What happened next, if you
22 remember?
23 A Like I said, Parson arrived. And we
24 were getting information from the complainant
25 and we heard gunshots or what appeared to be

Page 20

1 gunshots coming from the east end of the
2 trailer park. And while we were taking the
3 information, we heard what sounded like
4 gunshots coming from the east end of that
5 trailer park.
6 Q When you say that -- we've got Exhibit
7 1 here. Exhibit 1 purports to be the Pearson
8 Trailer Park. Could you look at Exhibit 1 and
9 see if you agree with that?
10 A (Witness reviews photograph.) Yes,
11 that's it.
12 Q Okay. And where did -- could you just
13 take a blue or a green marker here and mark
14 where you heard the gun?
15 A Sure.
16 Q Draw a little diamond where you heard
17 the gunshots.
18 A We don't know exactly, but --
19 Q No. You said the east side.
20 A Right. And so the gunshots appeared
21 to come from this area (indicating), in this
22 area (indicating).
23 Q Okay. All right.
24 MR. PHILLIPS: He just drew a black
25 square, right?

5 (Pages 17 to 20)

Page 21

1 THE WITNESS: Yeah.

2 MR. PHILLIPS: I just want it for the
3 record.

4 THE WITNESS: Okay.

5 BY MR. HALL:

6 Q The jury can't see that. That's why
7 we're trying to talk and describe what we're
8 talking about.

9 A Okay.

10 Q It sounds weird, but that's what we're
11 doing. Okay. So you drew -- it looks like
12 that square diamond that you drew is close to
13 this North Raceway Road and like the entrance
14 of the trailer park?

15 A Well, it's not exact. The sounds came
16 from the east end of the trailer park. And
17 that's the direction we went to once we heard
18 the sounds.

19 Q All right. And what did you observe
20 as you went in that direction?

21 A When we got there, it's a lot of chaos
22 out there. People running. A lot of chaos.
23 You got people talking and running and telling
24 us what's going on and pointing, etcetera.
25 But, now, when we first heard the shots,

Page 23

1 A Once we're down to this area
2 (indicating), another disturbance breaks out
3 back on the other end that we just come from.

4 Q On the west side?

5 A Back to the west end of the park.

6 Q Okay. All right.

7 A So now we've got to go back that way.

8 Q What kind of disturbance in that
9 direction?

10 A Fighting. I mean different groups of
11 people fighting. It was summertime. A lot of
12 people out just fighting.

13 Q Weather warm?

14 A The weather was nice.

15 Q Okay. So what do you remember
16 happening after that?

17 A Once we get back in and start to try
18 to get everything straight on that end to try
19 to get -- because he hadn't finished getting
20 all the information, try to get back to get
21 information from the personnel. Then the units
22 start to come in reference to the gunshots.
23 The units start -- other officers started to
24 come on scene in reference to those gunshots.

25 Q Okay. Where was the information

Page 22

1 Parson, he calls dispatch and notify them that
2 gunshots in the area. Because this is fairly
3 close to us. So we don't know where the shots
4 are going. Are they coming towards us? We
5 don't know.

6 So he calls out for assistance because
7 there are gunshots in the area while deputies
8 are on scene.

9 Q Okay. Can you take that same blue
10 marker and put a dot where you were when you
11 heard the gunshots?

12 A Okay. I was in front of Talberts'
13 residence.

14 Q Okay. All right. And so you heard
15 the gunshots to the east. What did you do
16 next?

17 A We went toward the gunshots.

18 Q And then what happened?

19 A Parson called out for assistance.

20 Q Right. And I'm not trying to cut you
21 off. I just -- there's no point in you
22 repeating what you said.

23 A All right.

24 Q Let's go to the next step. What
25 happened?

Page 24

1 coming from?

2 A The gunshots?

3 Q You said other information started
4 coming in reference to the gunshots.

5 A Other officers started to come.

6 Q All right. So they were pulling up
7 into the parking lot?

8 A They were starting to come, yeah, in
9 the area.

10 Q I see.

11 A And they'd started to let us know that
12 we're in the area.

13 Q I see. All right. Who all else
14 responded? Do you remember?

15 A Lieutenant White, Jackson, Cartlige.

16 Q Okay. Was this the first time that
17 you had ever answered a call or been involved
18 with gunshots at that trailer park?

19 A Yes, this is the first I had.

20 Q Okay. Other of your deputy associates
21 had answered calls for gunshots at that trailer
22 park before?

23 A I'm not sure.

24 Q Okay. All right. So eventually a
25 number of the deputies arrived that you just

6 (Pages 21 to 24)

Page 25

1 named, right?

2 A Right.

3 Q And what happened after they arrived?
4 What were you doing?

5 A We were back on the west side at this
6 time. And me and Parson started to make our
7 way because we're getting information that the
8 persons firing the gunshots were in the wooded
9 area. They had went to the wooded area.

10 Q Okay.

11 A So we were -- Parson was trying to
12 instruct the other deputy where to go in the
13 wooded area, you know, because we were getting
14 information. It's a fence that separates us,
15 you know, from the other deputies. That
16 separates the back of the trailer from the
17 wooded area.

18 Q Okay. And describe the fence.

19 A It's an 8-foot fence, 6-foot fence.
20 It's a chain fence in the back of the trailers
21 that separates the woods from trailer homes.

22 Q Okay. When you say "chain fence," you
23 can see through the fence?

24 A Yes, you can see through it.

25 Q It's not one of these decorative

Page 26

1 fences?

2 A No. It's not a privacy fence.

3 Q You could see through it?

4 A You could see through it. It's a
5 chain fence.

6 Q All right. And did you ever hear any
7 gunshots coming from the woods?

8 A From the woods, no, I didn't.

9 Q All right. And you were there with
10 Parson the whole time?

11 A Yeah, we were together.

12 Q All right. And did you ever see or
13 hear anybody in those woods?

14 A Once I started walking towards the
15 woods, me and Parson -- because Parson is
16 giving the instructions. He said, hey,
17 somebody had gave information that they were in
18 the wooded area. He's giving instructions to
19 the other officers.

20 I started to hear Lieutenant White. I
21 could hear him giving verbal commands.

22 Q What's he's saying?

23 A He's giving commands get down, stay
24 down, stop resisting, you know, stay down
25 there. I've got the subject over here.

Page 27

1 Q Okay. Had you seen Deputy Mack White
2 before you heard him?

3 A When he came on scene, he identified
4 that he was on scene in the area. We got our
5 radios on.

6 Q Okay. Did you see him?

7 A Yeah, eventually I saw him out there
8 in the area, in the wooded area.

9 Q You saw him in the wooded area?

10 A Yeah.

11 Q Before he went in the wooded area, did
12 you see him in the trailer park?

13 A No. No.

14 Q The first time you saw him, he was in
15 the wooded area?

16 A He was in the wooded area.

17 Q Okay. Describe what you saw the first
18 time that you realized it was him and where he
19 was.

20 A He was walking. He was -- Parson was
21 giving commands, hey, come back this way, you
22 know. And he was, you know, flashing his
23 lights saying he was over here or walking this
24 way, just communicating with --

25 Q Who was Parson talking about? Do you

Page 28

1 know?

2 A He was talking about the subject.

3 Q Okay. And he was directing --

4 A Trying to direct him into the area
5 that was being pointed at. Well, the
6 information that was given that the subject was
7 in that area.

8 Q And when you say direct him, who's
9 him?

10 A He was trying to direct Lieutenant
11 White.

12 Q Okay. So if I'm understanding you,
13 Parson is standing in the trailer park next to
14 the fence?

15 A Yeah. He's kind of walking up, you
16 know.

17 Q And he's --

18 A Hollering and talking to Lieutenant
19 White. And eventually another officer comes on
20 scene.

21 Q On scene there with you?

22 A No. Other officers come into the
23 wooded area.

24 Q I see. How many other officers?

25 A Cartlige.

7 (Pages 25 to 28)

Page 29

1 Q Anybody else?
 2 A Jackson came. But I don't think -- I
 3 think he got in there later. And they kind of
 4 -- they didn't all come at the same time.
 5 Q All right. So you had stated earlier
 6 you heard Lieutenant White say stop resisting?
 7 A Giving verbal commands.
 8 Q Okay. Could you see him?
 9 A At this junction, no.
 10 Q Okay. Were you concerned about his
 11 safety?
 12 A Yeah, we were.
 13 Q What, if anything, did you do?
 14 A Well, like I say, it was a fence
 15 separating us. But it was another -- it was
 16 another deputy headed that way toward him.
 17 Q And that would have been --
 18 A Cartlige.
 19 Q Cartlige. All right. Could you see
 20 Deputy Cartlige?
 21 A I could see Deputy Cartlige
 22 periodically.
 23 Q All right. When you heard Lieutenant
 24 White say stop resisting or something to that
 25 effect, where was Deputy Cartlige?

Page 31

1 He was asking for handcuffs.
 2 Q Who was that?
 3 A Lieutenant White.
 4 Q Lieutenant White was asking for
 5 handcuffs?
 6 A Right.
 7 Q Okay. Did you ever hear Prince say
 8 anything? Or the gentleman that later became
 9 identified as Prince, you ever hear him say
 10 anything?
 11 A No, I didn't.
 12 Q Did you ever visualize either one of
 13 those, Lieutenant White or Prince, from where
 14 you were standing in the trailer park?
 15 A Like I say, I saw White. But I didn't
 16 see him when he made contact with Prince.
 17 Q Okay. All right. When is the next
 18 time you saw White?
 19 A Well, when they were -- when he was
 20 hollering at Parson to, you know, key up your
 21 radio. I lost my radio out here. Key up your
 22 radio. And by the time he stood up, he -- and
 23 they asked him for the cuffs. By this time,
 24 Cartlige was there with more light.
 25 Q Could you see Prince at that time?

Page 30

1 A I don't know the exact distance he was
 2 from the lieutenant.
 3 Q Was he --
 4 A But he was a distance. I don't know
 5 the exact distance.
 6 Q When you say "a distance," it wasn't
 7 just like they were right there together?
 8 A No. I mean, it could have been 8, 10
 9 feet. I don't know. It's a lot of woods and
 10 branches out there. But he was -- and Cartlige
 11 was trying to make his way over there.
 12 Q Okay. All right. What, if anything,
 13 happened next? You heard -- he said stop
 14 resisting. What did you observe next?
 15 A Well, we -- he eventually said he's
 16 got the subject in custody.
 17 Q Who said that?
 18 A Lieutenant White.
 19 Q And when you say "eventually," between
 20 the time you heard him say stop resisting and
 21 eventually in custody, what happened?
 22 A Cartlige got on scene. Parson got
 23 there. Lieutenant is telling them he knocked
 24 his radio off. He didn't have his radio on, to
 25 key up his mike so he can help find his radio.

Page 32

1 A No, I didn't. No, I don't remember
 2 seeing Prince.
 3 Q Okay. When is the next time you saw
 4 Prince?
 5 A When he was brought to the car for
 6 Jackson to transport.
 7 Q Okay. Did you ever see anyone tackle
 8 Prince?
 9 A I didn't.
 10 Q Did you ever see anyone put handcuffs
 11 on Prince?
 12 A No, I didn't.
 13 Q Did you ever see anyone strike Prince?
 14 A No, I didn't.
 15 Q Okay. So when the next time you saw
 16 Prince, what did he look like?
 17 A Like he'd been in the woods. You
 18 know, he didn't have a shirt on. Appeared to
 19 be blood coming out of his mouth. He was being
 20 -- getting ready -- you know, he was getting
 21 ready for transport.
 22 Q Okay.
 23 A Because we had to get him across a
 24 ditch to get him in the car.
 25 Q All right. When you saw him, blood

8 (Pages 29 to 32)

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1 was coming out of his mouth?

2 A That's what it appeared to be.

3 Q Okay. Did you mention that to
4 anybody?

5 A I'm sure I put it in my report.

6 Q Okay. Where was Lieutenant White at
7 that point when you saw the blood coming out of
8 Prince's mouth?

9 A I'm not sure if Lieutenant White or
10 Parson had already turned him over or Cartlidge
11 had already turned Prince over to Jackson for
12 transport.

13 Q Okay. So, I mean, literally, Prince
14 was in the car ready for transport the first
15 time you saw him; is that fair? Because I'm
16 trying to figure out --

17 A No, no. He was being taken out of the
18 woods.

19 Q And who was taking him out?

20 A That's what I'm saying, you had three
21 officers there. You had Cartlidge, White and
22 Parson there at the time. I don't know who
23 actually physically had hands on him. Because
24 it's a ditch there. They had to get him across
25 the ditch. So I'm sure all three of them

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1 see Prince resisting arrest?

2 A No.

3 Q At any point in time did you see
4 Mr. Prince fighting with any of the deputies?

5 A No, I didn't.

6 Q Okay. And did you ever see Prince
7 again after he was put in a patrol car?

8 A I did.

9 Q Okay. Tell me about that.

10 A I got a call that morning to go out to
11 the Regional jail and pick Prince up.

12 Q Okay. And what time was that?

13 A 3:00 in the morning.

14 Q Yeah, refresh your memory with
15 whatever you need. That's fine.

16 A Yeah, at 3:46 a.m.

17 Q And tell me what happened.

18 A I went out to the jail. Well, it was
19 Sergeant White at the time, but he called me
20 and told me to go out to the jail and pick
21 Prince up and take him to the E. R.

22 Q Okay. And did you do that?

23 A I did.

24 Q And what happened at the E. R.?

25 A Took him to the E. R., and the

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1 helped him out. But from where I was standing
2 by the fence making my way to the edge, I could
3 see that.

4 Q Okay. And you saw a lot of blood? A
5 little blood? Some blood?

6 A It could be a little blood.

7 Q All right. What does your training
8 tell you to do when you see a suspect that's
9 got blood in his facial area?

10 A Well, I ain't no medic. So if -- I
11 mean, I had three other officers there that was
12 closer to him than I was. And whatever their
13 assessment was, that was the assessment that
14 they made.

15 Q Okay. So you were relying on those
16 three officers that were escorting him out of
17 the woods to determine what, if anything, was
18 wrong with Prince?

19 A Right. They had a better -- they were
20 closer to him than I was.

21 Q All right. Did you just see him being
22 put in the patrol car?

23 A Yeah, I did see that. They eventually
24 got him in the patrol car.

25 Q Okay. At any point in time did you

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1 technician there started to, I guess, examine
2 him.

3 Q And what did he look like when you
4 took him to the E. R. physically? What was his
5 physical appearance?

6 A I didn't pay close attention to him,
7 but he needed some medical attention, I guess.
8 They called to take him out there, so he needed
9 some medical attention.

10 Q Okay. Somebody determined he needed
11 medical attention. You were going to take him.
12 Did you observe what he looked like?

13 A I'm sure I did. I came in contact
14 with him. I put him in my car and took him to
15 the E. R. But, I mean, to describe exactly how
16 he looked, I can't.

17 Q Was there any blood? Did you see any
18 blood anywhere?

19 A At this point, I can't remember.

20 Q Okay. What about a swollen face?

21 A I'm sure it was. I mean, I can't
22 remember exactly.

23 Q Well, I'm asking what you --

24 A Well, I'm saying that because my job
25 was to go get him and take him to the hospital.

9 (Pages 33 to 36)

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1 I wasn't trying to examine him. Put him in the
2 back of my car and take him to the hospital
3 like I was told.

4 Q Okay. Did he have any scars, bruises,
5 cuts or anything on his body?

6 A Not that I know of.

7 Q All right. And did he still not have
8 a shirt on?

9 A I'll say he had a shirt on at this
10 junction.

11 Q Okay. All right. So the best you
12 remember, you couldn't see his skin below the
13 shirt, right?

14 A Right.

15 Q Okay. Was he complaining at all?

16 A If I can remember, he was talkative.

17 Q What was he saying?

18 A I don't remember.

19 Q Okay. Did he ever mention being hit
20 by anyone?

21 A I do not remember.

22 Q Did he ever mention being struck by an
23 object of any kind?

24 A I don't remember.

25 Q Did he ask you to let him go or

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1 the doctors may have said?

2 A They were having discussions because,
3 you know, it had got to a point where they were
4 trying to determine what to do.

5 Q Okay. And did you receive any further
6 instructions? Excuse me. Did you receive any
7 instructions from the emergency department?

8 A No, I didn't.

9 Q Okay. At some point, did you
10 transport Michael Prince somewhere else?

11 A I did.

12 Q Where did you go?

13 A Well, I called lieutenant to get
14 further instructions on, you know, what to do
15 with him.

16 Q Okay. What time was that?

17 A I guess about 6:00 now.

18 Q In the morning?

19 A Yeah.

20 Q And that would have been on the 17th?

21 A Yeah. It would be on the 18th.

22 Q On the 18th?

23 A It was in the a.m.

24 Q Can I see this document you keep
25 referring to?

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1 anything?

2 A I would have remembered that. No, he
3 didn't.

4 Q Okay. So you delivered him to the
5 E. R. Did you stay there with him?

6 A I did.

7 Q Okay. And what happened? How long
8 were you there?

9 A It was a while. And they were
10 examining him. My experience with our E. R.,
11 we can be a little slow out there. But they
12 were examining him.

13 Q Okay. So it took you a little while
14 is what I gather.

15 A It did.

16 Q Were you in the room when the doctors
17 examined him?

18 A Yeah. You know, I couldn't lose
19 contact with him. I had to stay with him.

20 Q Okay. Was he --

21 A He's in my custody at the time.

22 Q Was he in handcuffs?

23 A Yeah, I'm sure he was. He was in my
24 custody.

25 Q Okay. And do you recall anything that

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1 A This is my initial report.

2 Q Sure. And that's document No.
3 WCM-280, right, at the bottom right?

4 A That's correct.

5 Q That's the lawyer's stamp. Okay?

6 MR. HALL: Okay. I'm going to have
7 this marked if I could.

8 (EXHIBIT 13 MARKED FOR THE RECORD.)

9 BY MR. HALL:

10 Q And you were referring to document No.
11 WCM-280, which now is marked Exhibit -- a copy
12 of which is marked as Exhibit 13. Do you agree
13 with that?

14 A Yeah. That's it.

15 Q And this is your -- this is a report
16 you did?

17 A It is.

18 Q All right. After looking at that,
19 does this refresh your memory as to the date
20 that you were transporting Mr. Prince? You
21 said the 18th. But I want to make sure that
22 you're not really meaning the 17th.

23 A It was the morning of the -- it was
24 the a.m. of that next morning. The 17th is on
25 the initial report.

10 (Pages 37 to 40)

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1 Q Okay. Did you write this report?
 2 A I did.
 3 Q Okay. It's got three officers' names
 4 to it. It says received by Reynolds. But this
 5 is a report that you wrote?
 6 A Yes, this is the report that I wrote.
 7 Q Okay. All right. And you left the
 8 hospital with Prince. And where did you go
 9 next?
 10 A Back to the Regional -- well, I talked
 11 to lieutenant. Whatever information he got, I
 12 was advised to take him back to the Regional
 13 Correctional Facility for release.
 14 Q Okay. Now, your report says -- and
 15 did he get released from the Regional jail?
 16 A He did.
 17 Q Did you transport him anywhere else?
 18 A No.
 19 Q Okay. Did you transport him back to
 20 the trailer park?
 21 A No.
 22 Q Do you know if anyone did, any deputy
 23 sheriff? Put it that way.
 24 A That I don't know.
 25 Q Okay. All right. In your report, it

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1 Greenville Police Department, and we placed him
 2 under arrest.
 3 Q Okay. And after reviewing your
 4 report, is this true and accurate to the best
 5 of your memory?
 6 A To the best of my knowledge.
 7 Q Anything on here that you would like
 8 to change?
 9 A Not in my report.
 10 Q Okay. And just to make certain that I
 11 didn't miss anything, you never saw Michael
 12 Prince being struck by any deputy?
 13 A I didn't.
 14 Q Okay. Has anyone told you that any
 15 deputy had struck Mr. Prince?
 16 A No.
 17 Q Okay. Other than this lawsuit, did
 18 you hear anything else about Michael Prince
 19 being hit on the 16th of March 2012?
 20 A No.
 21 Q And I'm assuming that you've read the
 22 lawsuit. That's why I said that.
 23 A I haven't read the lawsuit.
 24 Q Okay. All right.
 25 A Oh, yeah, one other thing. My report

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1 says that Steven Johnson was arrested there.
 2 A He was.
 3 Q Okay. Did you effect that arrest?
 4 A Myself along with Parson.
 5 Q Okay. And did you transport Steven
 6 Johnson to jail?
 7 A No. I think Parson transported him.
 8 Q Okay. And was Steven Johnson the
 9 person that or a person that Michael Prince was
 10 supposed to be involved in a previous
 11 altercation with at the trailer park?
 12 A He was.
 13 Q Okay. When I say previous, I mean,
 14 like, on the 16th?
 15 A He was.
 16 Q Okay. This was a verbal altercation,
 17 the one that you described, right?
 18 A Right.
 19 Q Okay. And was there any indication
 20 that Steven Johnson had a gun?
 21 A No.
 22 Q Okay. Did you investigate whether he
 23 had a gun or not?
 24 A We searched him and we arrested him.
 25 We found out we had a warrant for him with the

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1 was done on the morning of 17th. That's what
 2 I've got here. My report was done on the
 3 morning of the 17th, but the initial incident
 4 started on the 16th.
 5 Q Yeah. Is that what was confusing you?
 6 A Yeah. I was just thinking that the
 7 night was long. We went off into the next --
 8 Q Yeah, it sounds like a long night to
 9 me, too.
 10 A So that's where I get the 17th. I
 11 didn't start the report until the next day.
 12 Q Okay.
 13 MR. HALL: I don't have any other
 14 questions.
 15 MR. PHILLIPS: I have nothing.
 16 MR. HALL: Good deal.
 17 THE WITNESS: That's it?
 18 MR. PHILLIPS: You're done. Thank
 19 you.
 20 MR. HALL: Thank you. I appreciate
 21 your time.
 22 (DEPOSITION CONCLUDED AT 4:44 p.m.)
 23 *****
 24
 25

11 (Pages 41 to 44)

SIGNATURE OF WITNESS

I, _____, do solemnly swear that I have read the foregoing pages and that the same is a true and correct transcript of the testimony given by me at the time and place hereinbefore set forth, with the following corrections:
 PAGE: LINE: SHOULD READ: REASON FOR CHANGE:

(SIGNATURE)

NOTARIZATION

I, _____, notary public for the State of _____, _____ County, do hereby certify that _____ personally appeared before

me this _____ day of _____, 2014, at _____,
 My Commission Expires _____

(NOTARY PUBLIC)

CERTIFICATE OF COURT REPORTER

I, Debra A. Williams, CCR, and Notary Public in and for the County of Madison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision and to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer the questions in this matter under the power vested in me by the State of Mississippi.

I further certify that I am not in the employ of or related to any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal this the _____ day of _____

DEBRA A. WILLIAMS, CCR
 My Commission Expires May 12, 2014